

Docket No.: 2002.744US
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Robert Van Der Geize et al.

Application No.: 10/537,201

Confirmation No.: 4486

Filed: December 20, 2005

Art Unit: 1636

For: NEW EXPRESSION SYSTEM FROM
RHODOCOCCLUS

Examiner: Vogel, Nancy S.

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants hereby respond to the Restriction Requirement issued January 10, 2008 for the above-identified application. Applicants herein petition for a two-month extension of time and authorize any and all charges due to such extension be charged to Deposit Account No. 50-4205.

In response to the Restriction Requirement restricting the claims as follows:

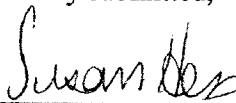
Group I	Claims 1-18, 20, 23-29, drawn to polynucleotides, vectors comprising said polynucleotides, cells comprising said polynucleotides, a first method of use of said cells comprising said polynucleotides, comprising producing heterologous polypeptides using host cells.
Group II	Claim 22 drawn to a method of identifying compounds that regulate the activity of the kstD promoter using said host cell.

In the Office Action of January 10, 2008, the Examiner asserts that the inventions of Group I and Group II are biologically and functionally different and distinct from each other because the method(s) of Groups I and II comprise steps which are not required or present in the other group. Accordingly, the end result of the methods are different: the production of a polypeptide of interest (Group I), and the identification of a modulator (Group II). Therefore, the Examiner asserts that the operation, function and effects of these different methods are different and distinct from each other. In response, applicants hereby elect to prosecute the claims of Group I, *i.e.*, claims 1-18, 20, and 23-29, directed to polynucleotides, vectors comprising said polynucleotides, cells comprising said polynucleotides, and a first method of use of said cells comprising said polynucleotides, comprising producing heterologous polypeptides using said host cells.

An Action on the merits is respectfully requested.

Dated: April 9, 2008

Respectfully submitted,

By 

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